

FILED 06 MAY 26 12:52 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LOUIS JAMES THIBODEAUX,

Plaintiff,

Civil No. 05-1409-AA

v.

ORDER

BRIAN BELLEQUE, et al.,

Defendants.

AIKEN, District Judge.

One of the dispositive issues presented by Defendants' Motion to Dismiss (#48) [untimely grievance] is currently under advisement by the United States Supreme Court in Woodford v. Ngo, 04-416 (U.S.).¹ Defendants request that this matter be taken under advisement until such time as the Court has had an opportunity to rule on the issue.

¹Defendants' Reply (#61) states that the Petition for Certiorari and amicus brief "are attached and labeled Attachments A and B, respectively." However, there are not attachments to the motion filed with the court.

Under the circumstances, defendants' suggestion makes good sense. Therefor, Defendants' Motion to Dismiss (#48) is denied without prejudice. Defendants may reinstate the motion by notice to the court and submitted any additional briefing that may be appropriate in view of the Supreme Court's decision in Woodford v. Ngo. Plaintiff will, of course be afforded an opportunity to respond.

Plaintiff is advised that, except as noted below, any motion, brief or other pleading - filed or to be filed, will be held in abeyance (ie. not decided by this court) until defendants have notified the court of the Supreme Court's decision in Woodford v. Ngo.

Plaintiff's Motion and Order to add additional defendants to original complaint (#74) is construed as a motion to amend and is denied for failure to comply with the requirements of Local Rule 15, attached hereto for plaintiff's reference.

DATED this 26 day of May, 2006.



Ann Aiken
United States District Judge

LR 15 AMENDED and SUPPLEMENTAL PLEADINGS (See Fed. R. Civ. P. 15)

LR 15.1 Amended and Supplemental Pleadings (See LR 10.2)

- (a) **Amended Document Title:** The word **AMENDED** --and iteration number-- must be included in the revised document title, e.g.

THIRD AMENDED COMPLAINT

- (b) **Supplemental Document Title:** The word **SUPPLEMENTAL** must be included in a supplemental document title.
- (c) **Amended Document Requirements:** Any party filing, or moving to file, an amended or supplemental pleading must:
- (1) Reproduce the entire pleading, and may not incorporate any part of the prior pleading by reference; and
 - (2) Describe the changes made.
- (d) **Exhibits to a Motion**
- (1) A copy of the proposed amended pleading must be attached as an exhibit to any motion for leave to file the amended pleading.
 - (2) Upon entry of an order granting the motion, the original amended pleading must be submitted to the clerk for filing.
 - (3) The clerk will not detach the proposed amended pleading from the motion.
- (e) **Amendments by Interlineation:** Amendments by interlineation are allowed only by order of the Court.